

UNITED STATES OF AMERICA,)	CASE NO. 8:08CR358
)	
Plaintiff,)	
)	
vs.)	
)	AMENDED
KENNETH S. JONES,)	TENTATIVE FINDINGS
)	
Defendant.)	

In charging Count IV, the government charged the Defendant under 18 U.S.C. §§ 922(g)(1) and 924(e). Section 924(e) requires a sentence of at least 15 years. Therefore, up to 5 years supervised release may be imposed on Count IV. 18 U.S.C. § 3583(b)(1). However, the plea agreement advised the Defendant that he faced up to 10 years imprisonment and “3 years”¹ supervised release on Count IV. The discrepancy between the plea agreement and the Indictment went unnoticed by the parties and the Court at the change of plea hearing. This matter will be discussed at sentencing.

1. The issues of the term of imprisonment and supervised release faced with respect to Count IV will be discussed at sentencing;

¹The Court's notes reflect that at the plea hearing the Defendant was advised that he faced "up to 3 years" supervised release.

2. Otherwise, the parties are notified that my tentative findings are that the PSR is correct in all respects;

3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 20th day of February, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge